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SIPDIS

STATE FOR NEA/ARP, NEA/PI, AND DRL

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SUBJECT: CONSTITUTIONAL AMENDMENT EXTENDS FNC TERM WITHOUT NEW
ELECTIONS, LIMITS BUSINESS ACTIVITIES OF CABINET MEMBERS

Classified by Ambassador Richard Olson, reasons 1.4 (b) and (d).

¶1. (SBU) Summary: Amendments to the UAE constitution announced December 2 extend the term of the advisory Federal National Council (FNC) from two years to four, essentially delaying further elections to that body while incrementally expanding its role. Also announced was a limitation on the commercial activities of cabinet ministers, a concept wide open to interpretation. End summary.

¶2. (SBU) The limited elections of December 2006 identified 20 FNC members and rulers of the various emirates selected another 20 to serve in the 40-member chamber for a two-year term. The implied commitment at the time was another election -- with an expanded electorate -- two years later. We have heard for some months, however, that two years is now deemed too short to achieve real progress. A much-anticipated change in the constitution issued December 2 confirmed that the FNC term would be extended to four years, with incumbents simply remaining in place without new election/selection procedures.

¶3. (SBU) The new term set forth in Article 72 gives members more time to develop expertise in committee assignments and gives the UAEG time to assess potential expansions of the FNC mandate. Minister of State Dr. Anwar Gargash stated publicly that the longer term conforms to international norms (which the FNC has researched with the assistance of private consultants). FNC Speaker Abdul Aziz Al-Ghurair told Ambassador that he believed the two year term for the FNC was the "shortest in the world" and was surprised to learn that the US Congress operates on a two-year cycle (the discussion suggested that he made no distinction between individual terms of office and the collective term of the legislative session). Article 91 also grants the FNC authority to review international treaties before their ratification, without clearly stating what rights the FNC may have to alter or disapprove such agreements. The gradual expansion of FNC roles is nonetheless a positive development.

¶4. (SBU) According to amended Article 62, as described in an official UAEG press notice, federal cabinet ministers "should not indulge in any professional work, commercial, financial or any trade deal with the federal government or local governments while on duty."

It goes on to permit cabinet members to hold "board membership of a commercial or financial company." In practice it is difficult to imagine the UAE without senior officials maintaining strong business interests (almost all UAE officials including ministers have private businesses), and thus difficult to determine the actual meaning of this article. The quasi-public nature of many of the UAE's largest companies adds to the uncertainty.

¶5. (U) Other amendments noted in official reports clarify that one of the Prime Minister's deputies will exercise his authority in his absence, sets the seasons of FNC sessions to begin the third week of October each year (Article 78), and tinkers with the FNC secretariat structure (Article 81). Amendments are effective from the "date of issuance" and will be published in the official gazette (unclear whether date of issuance refers to December 2 announcement or date of gazette publication).

¶6. (C) Comment: While the extension of the FNC term will deprive the citizenry of another voting opportunity, it will also give current members time to consolidate their roles, raise the profile of the FNC as an institution, and develop a "constituency." In general, the FNC extension reflects the very cautious, guided approach that the UAE takes toward democratic initiatives. In the UAE, trepidation about the messiness of democracy (including representative experiments within the region) takes precedence over inclusiveness. Limiting business dealings for cabinet ministers gives the UAEG a fig leaf for combating potential corruption with ample room for interpretation. The exact meaning of this anti-corruption measure will emerge over time. End comment.

OLSON